

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
First Regular Session  
2007

# HOUSE BILL 2690

## AN ACT

AMENDING SECTIONS 16-905 AND 16-941, ARIZONA REVISED STATUTES; REPEALING SECTION 16-944, ARIZONA REVISED STATUTES; AMENDING SECTIONS 16-950, 16-952, 16-953, 16-955, 16-956, 16-958, 16-959 AND 16-961, ARIZONA REVISED STATUTES; RELATING TO THE CITIZENS CLEAN ELECTIONS ACT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 16-905, Arizona Revised Statutes, is amended to  
3 read:

4 ~~16-905.~~ Contribution limitations: civil penalty: complaint

5 A. For an election other than for a statewide office, a contributor  
6 shall not give and an exploratory committee, a candidate or a candidate's  
7 campaign committee shall not accept contributions of more than:

8 1. FOR AN ELECTION FOR A LEGISLATIVE OFFICE, ~~Three~~ FOUR hundred  
9 EIGHTY-EIGHT dollars from an individual.

10 2. FOR AN ELECTION OTHER THAN FOR A LEGISLATIVE OFFICE, THREE HUNDRED  
11 NINETY DOLLARS FROM AN INDIVIDUAL.

12 ~~2-~~ 3. FOR AN ELECTION FOR A LEGISLATIVE OFFICE, ~~Three~~ FOUR hundred  
13 EIGHTY-EIGHT dollars from a single political committee, excluding a political  
14 party, not certified under subsection I of this section to make contributions  
15 at the higher limits prescribed by paragraph ~~3-~~ 5 of this subsection and  
16 subsection B, paragraph 3 of this section.

17 4. FOR AN ELECTION OTHER THAN FOR A LEGISLATIVE OFFICE, THREE HUNDRED  
18 NINETY DOLLARS FROM A SINGLE POLITICAL COMMITTEE, EXCLUDING A POLITICAL  
19 PARTY, NOT CERTIFIED UNDER SUBSECTION I OF THIS SECTION TO MAKE CONTRIBUTIONS  
20 AT THE HIGHER LIMITS PRESCRIBED BY SUBSECTION B, PARAGRAPH 3 OF THIS SECTION.

21 ~~3-~~ 5. ~~One thousand five hundred ten~~ TWO THOUSAND dollars from a  
22 single political committee, excluding a political party, certified pursuant  
23 to subsection I of this section.

24 B. For an election for a statewide office, a contributor shall not  
25 give and an exploratory committee, a candidate or a candidate's committee  
26 shall not accept contributions of more than:

27 1. ~~Seven hundred sixty~~ ONE THOUSAND TEN dollars from an individual.

28 2. ~~Seven hundred sixty~~ ONE THOUSAND TEN dollars from a single  
29 political committee, excluding a political party, not certified under  
30 subsection I of this section to make contributions at the higher limits  
31 prescribed by subsection A, paragraph ~~3-~~ 5 OF THIS SECTION and paragraph 3 of  
32 this subsection.

33 3. ~~Three thousand seven hundred ninety~~ FIVE THOUSAND TEN dollars from  
34 a single political committee excluding political parties certified pursuant  
35 to subsection I of this section.

36 C. A candidate shall not accept contributions from all political  
37 committees, excluding political parties, combined totaling more than ~~seven~~  
38 ~~thousand five hundred sixty~~:

39 1. FOR AN ELECTION FOR A LEGISLATIVE OFFICE, SIXTEEN THOUSAND ONE  
40 HUNDRED FIFTY dollars.

41 2. For an office other than a LEGISLATIVE OFFICE OR A statewide  
42 office, ~~or~~ TEN THOUSAND TWENTY DOLLARS.

43 3. FOR A STATEWIDE OFFICE, ~~seventy-five thousand six hundred ten~~ ONE  
44 HUNDRED THOUSAND ONE HUNDRED TEN dollars ~~for a statewide office~~.

1 D. A nominee of a political party shall not accept contributions from  
2 all political parties or political organizations combined totaling more than  
3 ~~seven thousand five hundred sixty~~ TEN THOUSAND TWENTY dollars for an election  
4 for an office other than a statewide office, and ~~seventy five thousand six~~  
5 ~~hundred ten~~ ONE HUNDRED THOUSAND ONE HUNDRED TEN dollars for an election for  
6 a statewide office.

7 E. An individual shall not make contributions totaling more than ~~two~~  
8 ~~thousand eight hundred twenty~~ FIVE THOUSAND SIX HUNDRED TEN dollars in a  
9 calendar year to state and local candidates, political committees  
10 contributing to state or local candidates, and political committees  
11 advocating the election or defeat of state or local candidates.  
12 Contributions to political parties are exempt from the limitations of this  
13 subsection.

14 F. The use of a candidate's personal monies is not subject to the  
15 limitations of this section but affects the application of these limitations  
16 to the candidate's opponents as follows:

17 1. For a candidate for an office other than a statewide office:

18 (a) If a candidate contributes or promises amounts of more than ~~eleven~~  
19 ~~thousand eight hundred forty~~ FIFTEEN THOUSAND SIX HUNDRED SEVENTY dollars of  
20 those personal monies, the candidate, within twenty-four hours, excluding  
21 Saturdays, Sundays and other legal holidays, shall give written notice by  
22 certified mail of the amount contributed or promised as of the date of the  
23 notice to all other candidates and the candidates' campaign committees for  
24 the same office at the address on file with the filing officer and to the  
25 filing officer. Other candidates for the same office and contributors to  
26 those candidates are not subject to the limitations of subsections A, C and E  
27 of this section after receiving the notice until these candidates receive  
28 contributions totaling the amount of personal monies contributed or promised  
29 by the candidate giving this notice.

30 (b) For each additional accumulation of contributions or promises of  
31 that candidate's personal monies that totals at least ~~five thousand nine~~  
32 ~~hundred twenty~~ SEVEN THOUSAND EIGHT HUNDRED FIFTY dollars, the candidate,  
33 within twenty-four hours, excluding Saturdays, Sundays and other legal  
34 holidays, shall give written notice by certified mail of the amount  
35 contributed or promised as of the date of the notice. The notice shall be  
36 given as prescribed in subdivision (a) of this paragraph. Other candidates  
37 for the same office and contributors to those candidates are not subject to  
38 the limitations of subsections A, C and E of this section after receiving the  
39 notice until these candidates receive contributions totaling the amount of  
40 personal monies contributed or promised by the candidate giving this notice.

41 2. For a candidate for a statewide office:

42 (a) If a candidate contributes or promises amounts of more than  
43 ~~twenty three thousand six hundred seventy~~ THIRTY-ONE THOUSAND THREE HUNDRED  
44 THIRTY dollars of those personal monies, the candidate, within twenty-four  
45 hours, excluding Saturdays, Sundays and other legal holidays, shall give

1 written notice by certified mail of the amount contributed or promised as of  
2 the date of the notice to all other candidates and the candidates' campaign  
3 committees for the same office at the address on file with the filing officer  
4 and to the secretary of state. Other candidates for the same office and  
5 contributors to those candidates are not subject to the limitations of  
6 subsections B, C and E of this section after receiving the notice until these  
7 candidates receive contributions totaling the amount of personal monies  
8 contributed or promised by the candidate giving this notice.

9 (b) For each additional accumulation of contributions or promises of  
10 that candidate's personal monies that totals at least ~~eleven thousand eight~~  
11 ~~hundred forty~~ FIFTEEN THOUSAND SIX HUNDRED SEVENTY dollars, the candidate,  
12 within twenty-four hours, excluding Saturdays, Sundays and other legal  
13 holidays, shall give written notice of the amount contributed or promised as  
14 of the date of the notice. The notice shall be given as prescribed in  
15 subdivision (a) of this paragraph. Other candidates for the same office and  
16 contributors to those candidates are not subject to the limitations of  
17 subsections B, C and E of this section after receiving the notice until these  
18 candidates receive contributions totaling the amount of personal monies  
19 contributed or promised by the candidate giving this notice.

20 3. If any notice prescribed by this subsection is not timely given the  
21 other candidates are not subject to the limitations of subsections A, B and C  
22 of this section for an additional five hundred ninety dollars for each day  
23 the notice was delinquent.

24 4. Notwithstanding any other provision of this subsection, the amount  
25 of contributions that a candidate may receive and that is not subject to the  
26 limitations of subsections A, B and C of this section shall not be greater  
27 than the largest amount of personal contributions, plus any additional  
28 amounts due to delinquent notices, made by any other single candidate for the  
29 same office.

30 G. The use of personal monies by an individual who designates an  
31 exploratory committee is not subject to the limitations of this section but  
32 is subject to the following:

33 1. If an individual who has designated a committee for other than  
34 statewide office contributes or promises to the committee an amount of  
35 personal monies that is more than ~~eleven thousand eight hundred forty~~ FIFTEEN  
36 THOUSAND SIX HUNDRED SEVENTY dollars, the individual, within twenty-four  
37 hours excluding Saturdays, Sundays and other legal holidays, shall give  
38 written notice by certified mail of the amount contributed or promised as of  
39 the date of the notice to the filing officer.

40 2. For each additional accumulation of contributions or promises of  
41 the designating individual's personal monies that totals at least ~~six~~  
42 ~~thousand~~ SEVEN THOUSAND NINE HUNDRED THIRTY dollars, the individual, within  
43 twenty-four hours, excluding Saturdays, Sundays and other legal holidays,  
44 shall give written notice by certified mail of the amount contributed or  
45 promised as of the date of the notice to the filing officer.

1           3. If an individual who has designated a committee for statewide  
2 office contributes or promises to the committee an amount of personal monies  
3 that is more than ~~twenty-three thousand six hundred seventy~~ THIRTY-ONE  
4 THOUSAND THREE HUNDRED THIRTY dollars, the individual, within twenty-four  
5 hours, excluding Saturdays, Sundays and other legal holidays, shall give  
6 written notice by certified mail of the amount contributed or promised as of  
7 the date of the notice to the filing officer.

8           4. For each additional accumulation of contributions or promises of  
9 the designating individual's personal monies that totals at least ~~twelve~~  
10 ~~thousand~~ FIFTEEN THOUSAND NINE HUNDRED FIFTY dollars, the individual, within  
11 twenty-four hours, excluding Saturdays, Sundays and other legal holidays,  
12 shall give written notice by certified mail of the amount contributed or  
13 promised as of the date of the notice to the filing officer.

14           H. A candidate's campaign committee or an individual's exploratory  
15 committee shall not make a loan and shall not transfer or contribute money to  
16 any other campaign or exploratory committee that is designated pursuant to  
17 this chapter or 2 United States Code section 431 except as follows:

18           1. An exploratory committee may transfer monies to a subsequent  
19 candidate's campaign committee of the individual designating the exploratory  
20 committee, subject to the limits of subsection B of this section.

21           2. A candidate's campaign committee may transfer or contribute monies  
22 to another campaign committee designated by the same candidate as follows:

23           (a) Subject to the contribution limits of this section, transfer or  
24 contribute monies from one committee to another if both committees have been  
25 designated for an election in the same year.

26           (b) Without application of the contribution limits of this section,  
27 transfer or contribute monies from one committee to another designated for an  
28 election in a subsequent year.

29           I. Only political committees that received monies from five hundred or  
30 more individuals in amounts of ten dollars or more in the one year period  
31 immediately before application to the secretary of state for qualification as  
32 a political committee pursuant to this section may make contributions to  
33 candidates under subsection A, paragraph ~~3~~ 5 of this section and subsection  
34 B, paragraph 3 of this section. The secretary of state shall obtain  
35 information necessary to make the determination that a committee meets the  
36 requirements of this subsection and shall provide written certification of  
37 the fact to the committee. A political committee certification is valid for  
38 two years. A candidate's campaign committee shall not accept a contribution  
39 pursuant to this subsection unless it is accompanied by a copy of the  
40 certification. All political committees that do not meet the requirements of  
41 this subsection are subject to the individual campaign contribution limits of  
42 subsection A, ~~paragraph 1~~ PARAGRAPHS 1 AND 2 of this section and subsection  
43 B, paragraph 1 of this section.

44           J. The secretary of state ~~shall,~~ biennially, ~~—~~ SHALL adjust to the  
45 nearest ten dollars the amounts in subsections A through G of this section by

1 the percentage change in the consumer price index and publish the new amounts  
2 for distribution to election officials, candidates and campaign committees.  
3 ~~in~~ FOR THE PURPOSES OF this subsection, "consumer price index" means the  
4 consumer price index for all urban consumers, United States city average,  
5 that is published by the United States department of labor, bureau of labor  
6 statistics.

7 K. The following specific limitations and procedures apply:

8 1. The limits of subsections A through D, F and G of this section  
9 apply to each election for any office or offices which the candidate seeks.

10 2. The limits of subsections A, ~~through~~ B AND C of this section apply  
11 to the total contributions from all separate segregated funds established, as  
12 provided in section 16-920, by a corporation, labor organization, trade  
13 association, cooperative or corporation without capital stock.

14 3. A contribution by an unemancipated minor child shall be treated as  
15 a contribution by ~~his~~ THE CHILD'S custodial parent or parents for determining  
16 compliance with subsection A, ~~paragraph 1~~ PARAGRAPHS 1 AND 2, subsection B,  
17 paragraph 1, ~~and~~ and subsection E of this section.

18 4. A contribution by an individual or a single political committee to  
19 two or more candidates in connection with a joint fund-raising effort shall  
20 be divided among the candidates in direct proportion to each candidate  
21 campaign committee's share of the expenses for the fund-raising effort.

22 5. A candidate shall sign and file with ~~his~~ THE CANDIDATE'S nomination  
23 paper a statement that ~~he~~ THE CANDIDATE has read all applicable laws relating  
24 to campaign financing and reporting.

25 6. An individual or political committee shall not use economic  
26 influence to induce members of an organization to make contributions to a  
27 candidate, collect contributions from members of an organization for  
28 transmittal to a candidate, make payments to candidates for public  
29 appearances or services which are ordinarily uncompensated or use any similar  
30 device to circumvent any of the limitations of this section.

31 L. A person who violates this section is subject to a civil penalty  
32 imposed as prescribed in section 16-924 of three times the amount of money  
33 that has been received, expended or promised in violation of this section or  
34 three times the value in money for an equivalent of money or other things of  
35 value that have been received, expended or promised in violation of this  
36 section.

37 M. Any qualified elector may file a sworn complaint with the attorney  
38 general or the county attorney of the county in which a violation of this  
39 section is believed to have occurred, and the attorney general or the county  
40 attorney shall investigate the complaint for possible action.

41 N. If the filing officer, attorney general or county attorney fails to  
42 institute an action within forty-five working days after receiving a  
43 complaint under subsection M of this section, ~~then~~ the individual filing the  
44 complaint may bring a civil action in ~~his~~ THE INDIVIDUAL'S own name and at  
45 ~~his~~ THE INDIVIDUAL'S own expense, with the same effect as if brought by the

1 filing officer, attorney general or county attorney. The individual shall  
2 execute a bond payable to the defendant if the individual fails to prosecute  
3 the action successfully. The court shall award to the prevailing party costs  
4 and reasonable attorney fees.

5 0. If a provision of this section or its application to any person or  
6 circumstance is held invalid, the invalidity does not affect other provisions  
7 or applications of the section which can be given effect without the invalid  
8 provision or application, and to this end the provisions of this section are  
9 severable.

10 P. If any notice prescribed by subsection F or G of this section is  
11 not given in a timely manner, the designating individual, in the case of an  
12 exploratory committee, or the candidate, in the case of a candidate's  
13 campaign committee, is subject to a civil penalty of three times the amount  
14 of personal monies that were contributed, expended or promised in violation.  
15 The civil penalty shall be imposed as prescribed by section 16-924.

16 Sec. 2. Subject to the requirements of article IV, part 1, section 1,  
17 Constitution of Arizona, section 16-941, Arizona Revised Statutes, is amended  
18 to read:

19 16-941. Limits on spending and contributions for political  
20 campaigns

21 A. Notwithstanding any law to the contrary, a participating candidate:

22 1. Shall not accept any contributions, other than a limited number of  
23 five-dollar qualifying contributions as specified in section 16-946 and early  
24 contributions as specified in section 16-945, except in the emergency  
25 situation specified in section 16-954, subsection F.

26 2. Shall not make expenditures of more than a total of five hundred  
27 dollars of the candidate's personal monies for a candidate for ~~THE~~  
28 legislature or more than one thousand dollars for a candidate for statewide  
29 office.

30 3. Shall not make expenditures in the primary election period in  
31 excess of the adjusted primary election spending limit.

32 4. Shall not make expenditures in the general election period in  
33 excess of the adjusted general election spending limit.

34 5. Shall comply with section 16-948 regarding campaign accounts and  
35 section 16-953 regarding returning unused monies to the citizens clean  
36 ~~election~~ ELECTIONS fund described in this article.

37 B. Notwithstanding any law to the contrary, a nonparticipating  
38 candidate:

39 1. Shall not accept contributions in excess of an amount that is  
40 twenty ~~percent~~ PER CENT less than the limits specified in section 16-905,  
41 subsections A through G, as adjusted by the secretary of state pursuant to  
42 section 16-905, subsection J. Any violation of this paragraph shall be  
43 subject to the civil penalties and procedures set forth in section 16-905,  
44 subsections L through P and section 16-924.

1           2. Shall comply with section 16-958 regarding reporting, including  
2 filing reports with the secretary of state indicating whenever (A)  
3 expenditures other than independent expenditures on behalf of the candidate,  
4 from the beginning of the election cycle to any date up to primary election  
5 day, exceed seventy ~~percent~~ PER CENT of the original primary election  
6 spending limit applicable to a participating candidate seeking the same  
7 office, or (B) contributions to a candidate, from the beginning of the  
8 election cycle to any date during the general election period, less  
9 expenditures made from the beginning of the election cycle through primary  
10 election day, exceed seventy ~~percent~~ PER CENT of the original general  
11 election spending limit applicable to a participating candidate seeking the  
12 same office. A NONPARTICIPATING CANDIDATE IS EXEMPT FROM THIS PARAGRAPH IF  
13 THERE IS NO PARTICIPATING CANDIDATE RUNNING AGAINST THAT NONPARTICIPATING  
14 CANDIDATE.

15           C. Notwithstanding any law to the contrary, a candidate, whether  
16 participating or nonparticipating:

17           1. If ~~and only if~~ specified in a written agreement signed by the  
18 candidate and one or more opposing candidates and filed with the citizens  
19 clean elections commission, shall not make any expenditure in the primary or  
20 general election period exceeding an agreed-upon amount lower than spending  
21 limits otherwise applicable by statute.

22           2. Shall continue to be bound by all other applicable election and  
23 campaign finance statutes and rules, with the exception of those provisions  
24 in express or clear conflict with ~~the provisions of~~ this article.

25           D. Notwithstanding any law to the contrary, any person who makes  
26 independent expenditures related to a particular office cumulatively  
27 exceeding five hundred dollars in an election cycle, with the exception of  
28 any expenditure listed in section 16-920 and any independent expenditure by  
29 an organization arising from a communication directly to the organization's  
30 members, shareholders, employees, affiliated persons, ~~and~~ subscribers, shall  
31 file reports with the secretary of state in accordance with section 16-958 so  
32 indicating, identifying the office and the candidate or group of candidates  
33 whose election or defeat is being advocated, ~~and~~ stating whether the person  
34 is advocating election or advocating defeat.

35           Sec. 3. Repeal

36           Subject to the requirements of article IV, part 1, section 1,  
37 Constitution of Arizona, section 16-944, Arizona Revised Statutes, is  
38 repealed.

39           Sec. 4. Subject to the requirements of article IV, part 1, section 1,  
40 Constitution of Arizona, section 16-950, Arizona Revised Statutes, is amended  
41 to read:

42           16-950. Qualification for clean campaign funding

43           A. A candidate who has made an application for certification may also  
44 apply, in accordance with subsection B of this section, to receive funds from



1 the citizens clean elections fund, instead of receiving private  
2 contributions.

3 B. To receive any clean campaign funding, the candidate must present  
4 to the secretary of state no later than one week after the end of the  
5 qualifying period a list of names of persons who have made qualifying  
6 contributions pursuant to section 16-946 on behalf of the candidate. The  
7 list shall be divided by county. At the same time, the candidate must tender  
8 to the secretary of state the original reporting slips identified in section  
9 16-946, subsection C for persons on the list and an amount equal to the sum  
10 of the qualifying contributions collected. The secretary of state shall  
11 deposit the amount into the fund.

12 C. The secretary of state shall select at random a sample of five  
13 ~~percent~~ PER CENT of the number of non-duplicative names on the list and  
14 forward facsimiles of the selected reporting slips to the county recorders  
15 for the counties of the addresses specified in the selected slips. Within  
16 ten days, the county recorders shall provide a report to the secretary of  
17 state identifying as disqualified any slips that are unsigned or undated or  
18 that the recorder is unable to verify as matching a person who is registered  
19 to vote in the electoral district of the office the candidate is seeking on  
20 the date specified on the slip. The secretary of state shall multiply the  
21 number of slips not disqualified by twenty, and if the result is greater than  
22 one hundred ten per cent of the quantity required, shall approve the  
23 candidate for funds, and if the result is less than ~~ninety~~ ONE HUNDRED TEN  
24 per cent of the quantity required, ~~shall deny the application for~~  
25 ~~funds. Otherwise,~~ the secretary of state shall forward facsimiles of all of  
26 the slips to the county recorders for verification, and the county recorders  
27 shall check all slips in accordance with the process above. A COUNTY  
28 RECORDER SHALL NOT CHECK SLIPS ALREADY VERIFIED. A county recorder shall  
29 report verified totals daily to the secretary of state until a determination  
30 is made that a sufficient number of verified slips has been submitted. If a  
31 sufficient number of verified slips has been submitted to one or more county  
32 recorders, the county recorders may stop the verification process.

33 D. To qualify for clean campaign funding, a candidate must have been  
34 approved as a participating candidate pursuant to section 16-947 and have  
35 obtained the following number of qualifying contributions:

- 36 1. For a candidate for legislature, two hundred.
- 37 2. For candidate for mine inspector, five hundred.
- 38 3. For a candidate for treasurer, superintendent of public instruction  
39 or corporation commission, one thousand five hundred.
- 40 4. For a candidate for secretary of state or attorney general, two  
41 thousand five hundred.
- 42 5. For a candidate for governor, four thousand.

43 E. To qualify for clean campaign funding, a candidate must have met  
44 the requirements of this section and either be an independent candidate or  
45 meet the following standards:

1           1. To qualify for funding for a party primary election, a candidate  
2 must have properly filed nominating papers and nominating petitions with  
3 signatures pursuant to chapter 3, articles 2 and 3 of this title in the  
4 primary of a political organization entitled to continued representation on  
5 the official ballot in accordance with section 16-804.

6           2. To qualify for clean campaign funding for a general election, a  
7 candidate must be a party nominee of such a political organization.

8           Sec. 5. Subject to the requirements of article IV, part 1, section 1,  
9 Constitution of Arizona, section 16-952, Arizona Revised Statutes, is amended  
10 to read:

11           16-952. Equal funding of candidates

12           A. Whenever during a primary election period a report is filed, or  
13 other information comes to the attention of the commission, indicating that a  
14 nonparticipating candidate who is not unopposed in that primary has made  
15 expenditures during the election cycle to date exceeding the original primary  
16 election spending limit, including any previous adjustments, the commission  
17 shall immediately pay from the fund to the campaign account of any  
18 participating candidate in the same party primary as the nonparticipating  
19 candidate an amount equal to any excess of the reported amount over the  
20 primary election spending limit, ~~as previously adjusted, and~~ LESS SIX PER  
21 CENT FOR A NONPARTICIPATING CANDIDATE'S FUND-RAISING EXPENSES AND LESS THE  
22 AMOUNT OF EARLY CONTRIBUTIONS RAISED FOR THAT PARTICIPATING CANDIDATE FOR  
23 THAT OFFICE AS PRESCRIBED BY SECTION 16-945. The primary election spending  
24 limit for all such participating candidates shall be adjusted by increasing  
25 it by the amount that the commission is obligated to pay to a participating  
26 candidate.

27           B. Whenever during a general election period a report has been filed,  
28 or other information comes to the attention of the commission, indicating  
29 that the amount a nonparticipating candidate who is not unopposed has  
30 received in contributions during the election cycle to date less the amount  
31 of expenditures the nonparticipating candidate made through the end of the  
32 primary election period exceeds the original general election spending limit,  
33 including any previous adjustments, the commission shall immediately pay from  
34 the fund to the campaign account of any participating candidate qualified for  
35 the ballot and seeking the same office as the nonparticipating candidate an  
36 amount equal to any excess of the reported difference over the general  
37 election spending limit, as previously adjusted, ~~and~~ LESS SIX PER CENT FOR A  
38 NONPARTICIPATING CANDIDATE'S FUND-RAISING EXPENSES. The general election  
39 spending limit for all such participating candidates shall be adjusted by  
40 increasing it by the amount that the commission is obligated to pay to a  
41 participating candidate.

42           C. For THE purposes of subsections A and B of this section, the  
43 following expenditures reported pursuant to this article shall be treated as  
44 follows:

1           1. Independent expenditures against a participating candidate shall be  
2 treated as expenditures of each opposing candidate, for THE purpose of  
3 subsection A of this section, or contributions to each opposing candidate, ~~or~~  
4 FOR THE purpose of subsection B of this section.

5           2. Independent expenditures in favor of one or more nonparticipating  
6 opponents of a participating candidate shall be treated as expenditures of  
7 those nonparticipating candidates, for THE purpose of subsection A of this  
8 section, or contributions to those nonparticipating candidates, for THE  
9 purpose of subsection B of this section.

10          3. Independent expenditures in favor of a participating candidate  
11 shall be treated, for every opposing participating candidate, as though the  
12 independent expenditures were an expenditure of a nonparticipating opponent,  
13 for THE purpose of subsection A of this section, or a contribution to a  
14 nonparticipating opponent, for THE purpose of subsection B of this section.

15          4. Expenditures made during the primary election period by or on  
16 behalf of an independent candidate or a nonparticipating candidate who is  
17 unopposed in a party primary, ~~shall be treated as though made during the~~  
18 ~~general election period, and~~ DEDUCTED FROM THE TOTAL AMOUNT OF MONIES RAISED  
19 FOR PURPOSES OF DETERMINING THE AMOUNT OF EQUALIZING FUNDS, UP TO THE AMOUNT  
20 OF PRIMARY FUNDS RECEIVED BY THE PARTICIPATING CANDIDATE. Equalizing funds  
21 pursuant to subsection B of this section shall THEN be CALCULATED AND paid at  
22 the start of the general election period.

23          5. Expenditures made before the general election period that consist  
24 of a contract, promise, ~~or~~ or agreement to make an expenditure during the  
25 general election period resulting in an extension of credit shall be treated  
26 as though made during the general election period, and equalizing funds  
27 pursuant to subsection B of this section shall be paid at the start of the  
28 general election period.

29          6. Expenditures for or against a participating candidate promoting or  
30 opposing more than one candidate who ~~are~~ IS not running for the same office  
31 shall be allocated by the commission among candidates for different offices  
32 based on the relative size or length and relative prominence of the reference  
33 to candidates for different offices.

34          D. Upon applying for citizen funding pursuant to section 16-950, a  
35 participating candidate for THE legislature in a one-party-dominant  
36 legislative district who is qualified for clean campaign funding for the  
37 party primary election of the dominant party may choose to reallocate a  
38 portion of funds from the general election period to the primary election  
39 period. At the beginning of the primary election period, the commission  
40 shall pay from the fund to the campaign account of a participating candidate  
41 who makes this choice an extra amount equal to fifty ~~percent~~ PER CENT of the  
42 original primary election spending limit, and the original primary election  
43 spending limit for the candidate who makes this choice shall be increased by  
44 the extra amount. For a primary election in which one or more participating  
45 candidates have made this choice, funds shall be paid under subsections A and

1 B of this section only to the extent of any excess over the original primary  
2 election spending limit as so increased. If a participating candidate who  
3 makes this choice becomes qualified for clean campaign funding for the  
4 general election, the amount the candidate receives at the beginning of the  
5 general election period shall be reduced by the extra amount received at the  
6 beginning of the primary election period, and the original general election  
7 spending limit for that candidate shall be reduced by the extra amount. For  
8 a general election in which a participating candidate has made this choice,  
9 funds shall be paid under subsections A and B of this section only to the  
10 extent of any excess over the original general election spending limit,  
11 without such reduction, unless the candidate who has made this choice is the  
12 only participating candidate in the general election, in which case such  
13 funds shall be paid to the extent of excess over the original general  
14 election spending limit with such reduction. For ~~THE~~ purpose of this  
15 subsection, a one-party-dominant legislative district is a district in which  
16 the number of registered voters registered in the party with the highest  
17 number of registered voters exceeds the number of registered voters  
18 registered to each of the other parties by an amount at least as high as ten  
19 ~~percent~~ PER CENT of the total number of voters registered in the district.  
20 The status of a district as a one-party-dominant legislative district shall  
21 be determined as of the beginning of the qualifying period.

22 E. If an adjusted spending limit reaches three times the original  
23 spending limit for a particular election, ~~then~~ the commission shall not pay  
24 any further amounts from the fund to the campaign account of any  
25 participating candidate, and the spending limit shall not be adjusted  
26 further.

27 Sec. 6. Subject to the requirements of article IV, part 1, section 1,  
28 Constitution of Arizona, section 16-953, Arizona Revised Statutes, is amended  
29 to read:

30 16-953. Return of monies to the citizens clean elections fund

31 A. At the end of the primary election period, a participating  
32 candidate who has received monies pursuant to section 16-951, subsection A,  
33 paragraph 1 shall return to the fund all monies in the candidate's campaign  
34 account above an amount sufficient to pay any unpaid bills for expenditures  
35 made during the primary election period and for goods or services directed to  
36 the primary election.

37 B. At the end of the general election period, a participating  
38 candidate shall return to the fund all monies in the candidate's campaign  
39 account above an amount sufficient to pay any unpaid bills for expenditures  
40 made before the general election and for goods or services directed to the  
41 general election.

42 C. A participating candidate shall pay all uncontested and unpaid  
43 bills referenced in this section no later than thirty days after the primary  
44 or general election. A participating candidate shall make monthly reports to  
45 the commission concerning the status of the dispute over any contested

1 bills. Any monies in a candidate's campaign account after payment of bills  
2 shall be returned promptly to the fund.

3 D. If a participating candidate is replaced pursuant to section  
4 16-343, and the replacement candidate files an oath with the secretary of  
5 state certifying to section 16-947, subsection B, paragraph 3, the campaign  
6 account of the participating candidate shall be transferred to the  
7 replacement candidate and the commission shall certify the replacement  
8 candidate as a participating candidate without requiring compliance with  
9 section 16-950 or the remainder of section 16-947. If the replacement  
10 candidate does not file such an oath, the campaign account shall be  
11 liquidated and all remaining monies returned to the fund.

12 E. IF A PARTICIPATING CANDIDATE WHO HAS RECEIVED MONIES PURSUANT TO  
13 SECTION 16-951, SUBSECTION A, PARAGRAPH 1 DOES NOT QUALIFY FOR THE BALLOT FOR  
14 THE PRIMARY ELECTION, THE PARTICIPATING CANDIDATE SHALL:

15 1. RETURN TO THE FUND ALL MONIES IN THE CANDIDATE'S CAMPAIGN ACCOUNT  
16 ABOVE THE AMOUNT SUFFICIENT TO PAY ANY UNPAID BILLS FOR EXPENDITURES MADE  
17 BEFORE THE DATE THE CANDIDATE FAILED TO QUALIFY FOR THE PRIMARY BALLOT.

18 2. RETURN TO THE COMMISSION, WITHIN FOURTEEN DAYS, ALL REMAINING  
19 ASSETS PURCHASED WITH PUBLIC FUNDS IN THAT ELECTION CYCLE, INCLUDING ALL  
20 POLITICAL SIGNS. THE DISQUALIFIED PARTICIPATING CANDIDATE IS NOT REQUIRED TO  
21 RETURN POLITICAL SIGNS PURCHASED IN A PREVIOUS ELECTION CYCLE.

22 3. REPAY ANY MONIES PAID TO A FAMILY MEMBER UNLESS THE PARTICIPATING  
23 CANDIDATE DEMONSTRATES THAT THE PAYMENT MADE WAS FOR GOODS OR SERVICES  
24 ACTUALLY PROVIDED BEFORE DISQUALIFICATION OF THE CANDIDATE AND THE PAYMENT  
25 WAS FOR FAIR MARKET VALUE. FOR THE PURPOSES OF THIS PARAGRAPH, "FAMILY  
26 MEMBER" MEANS A PARENT, GRANDPARENT, SPOUSE, CHILD OR SIBLING OF THE  
27 CANDIDATE OR A PARENT OR SPOUSE OF ANY OF THOSE PERSONS.

28 Sec. 7. Subject to the requirements of article IV, part 1, section 1,  
29 Constitution of Arizona, section 16-955, Arizona Revised Statutes, is amended  
30 to read:

31 16-955. Citizens clean election commission: structure

32 A. The citizens clean elections commission is established consisting  
33 of five members. No more than two members of the commission shall be members  
34 of the same political party. No more than two members of the commission  
35 shall be residents of the same county. No one shall be appointed as a member  
36 who does not have a registration pursuant to chapter 1 of this title that has  
37 been continuously recorded for at least five years immediately preceding  
38 appointment with the same political party or as an independent.

39 B. The ~~commission on appellate court appointments shall nominate~~  
40 candidates for vacant commissioner positions SHALL BE PERSONS who are  
41 committed to enforcing this article in an honest, independent, and impartial  
42 fashion and to seeking to uphold public confidence in the integrity of the  
43 electoral system. Each candidate shall be a qualified elector who has not,  
44 in the previous five years in this state, been appointed to, been elected

1 to, or run for any public office, including precinct committeeman, or served  
2 as an officer of a political party.

3 C. Initially, the commission on appellate court appointments shall  
4 nominate five slates, each having three candidates, before January 1, 1999.  
5 No later than February 1, 1999, the governor shall select one candidate from  
6 one of the slates to serve on the commission for a term ending January 31,  
7 2004. Next, the highest-ranking official holding a statewide office who is  
8 not a member of the same political party as the governor shall select one  
9 candidate from another one of the slates to serve on the commission for a  
10 term ending January 31, 2003. Next, the second-highest-ranking official  
11 holding a statewide office who is a member of the same political party as the  
12 governor shall select one candidate from one of the three remaining slates to  
13 serve on the commission for a term ending January 31, 2002. Next, the  
14 second-highest-ranking official holding a statewide office who is not a  
15 member of the same political party as the governor shall select one candidate  
16 from one of the two remaining slates to serve on the commission for a term  
17 ending January 31, 2001. Finally, the third-highest-ranking official holding  
18 a statewide office who is a member of the same political party as the  
19 governor shall elect one candidate from the last slate to serve on the  
20 commission for a term ending January 31, 2000. For ~~purpose~~ THE PURPOSES of  
21 this section, the ranking of officials holding statewide office shall be  
22 governor, secretary of state, attorney general, treasurer, superintendent of  
23 public instruction, corporation commissioners in order of seniority, mine  
24 inspector, ~~the members of the supreme court in order of seniority,~~ senate  
25 majority and minority leaders, and house majority and minority leaders.

26 D. One commissioner shall be appointed for a five-year term beginning  
27 February 1 of every year beginning with the year 2000. ~~The commission on~~  
28 ~~appellate court appointments shall nominate one slate of three candidates~~  
29 Before ~~January~~ FEBRUARY 1 of each year beginning in the year 2000, and the  
30 governor and the highest-ranking official holding a statewide office who is  
31 not a member of the same political party as the governor shall alternate  
32 filling such vacancies. The vacancy in the year 2000 shall be filled by the  
33 governor.

34 E. Members of the commission may be removed by the governor, with  
35 concurrence of the senate, for substantial neglect of duty, gross misconduct  
36 in office, inability to discharge the powers and duties of office, or  
37 violation of this section, after written notice and opportunity for a  
38 response.

39 F. If a commissioner does not complete ~~his or her~~ THE COMMISSIONER'S  
40 term of office for any reason, ~~the commission on appellate court appointments~~  
41 ~~shall nominate one slate of three candidates as soon as possible in the first~~  
42 ~~thirty days after the commissioner vacates his or her office and a~~  
43 ~~replacement shall be selected from the slate within thirty days of nomination~~  
44 ~~of the slate~~ AFTER THE VACANCY OCCURS. The highest-ranking official holding  
45 a statewide office who is a member of the political party of the official who

1 nominated the commissioner who vacated office shall nominate the replacement,  
2 who shall serve as commissioner for the unexpired portion of the term. A  
3 vacancy or vacancies shall not impair the right of the remaining members to  
4 exercise all of the powers of the board.

5 G. Commissioners are eligible to receive compensation in an amount of  
6 two hundred dollars for each day on which the commission meets and  
7 reimbursement of expenses pursuant to title 38, chapter 4, article 2.

8 H. The commissioners shall elect a chair to serve for each  
9 calendar-year period from among their members whose terms expire after the  
10 conclusion of that year. Three commissioners shall constitute a quorum.

11 I. A member of the commission shall serve no more than one term and is  
12 not eligible for reappointment. No commissioner, during ~~his or her~~ THE  
13 COMMISSIONER'S tenure or for three years thereafter, shall seek or hold any  
14 other public office, serve as an officer of any political committee, or  
15 employ or be employed as a lobbyist.

16 J. The commission shall appoint an executive director who shall not be  
17 a member of the commission and who shall serve at the pleasure of the  
18 commission. The executive director is eligible to receive compensation set  
19 by the board within the range determined under section 38-611. The executive  
20 director, subject to title 41, chapter 4, articles 5 and 6, shall employ,  
21 determine the conditions of employment, and specify the duties of  
22 administrative, secretarial, and clerical employees as the director deems  
23 necessary.

24 Sec. 8. Subject to the requirements of article IV, part 1, section 1,  
25 Constitution of Arizona, section 16-956, Arizona Revised Statutes, is amended  
26 to read:

27 16-956. Voter education and enforcement duties

28 A. The commission shall:

29 1. Develop a procedure for publishing a document or section of a  
30 document having a space of predefined size for a message chosen by each  
31 candidate. For the document that is mailed before the primary election, the  
32 document shall contain the names of every candidate for every statewide and  
33 legislative district office in that primary election without regard to  
34 whether the candidate is a participating candidate or a nonparticipating  
35 candidate. For the document that is mailed before the general election, the  
36 document shall contain the names of every candidate for every statewide and  
37 legislative district office in that general election without regard to  
38 whether the candidate is a participating candidate or a nonparticipating  
39 candidate. The commission shall mail one copy of each document to every  
40 household that contains a registered voter. For the document that is mailed  
41 before the primary election, the mailing may be made over a period of days  
42 but shall be mailed in order to be delivered to households before the  
43 earliest date for receipt by registered voters of any requested early ballots  
44 for the primary election. The commission may mail the second document over a  
45 period of days but shall mail the second document in order to be delivered to



1 households before the earliest date for receipt by registered voters of any  
2 requested early ballots for the general election. The primary election and  
3 general election documents published by the commission shall comply with all  
4 of the following:

5 (a) For any candidate who does not submit a message pursuant to this  
6 paragraph, the document shall include with the candidate's listing the words  
7 "no statement submitted".

8 (b) The document shall have printed on its cover the words "citizens  
9 clean elections commission voter education guide" and the words "primary  
10 election" or "general election" and the applicable year. The document shall  
11 also contain at or near the bottom of the document cover in type that is no  
12 larger than one-half the size of the type used for "citizens clean elections  
13 commission voter education guide" the words "paid for by the citizens clean  
14 elections fund".

15 (c) In order to prevent voter confusion, the document shall be easily  
16 distinguishable from the publicity pamphlet that is required to be produced  
17 by the secretary of state pursuant to section 19-123.

18 2. Sponsor debates among candidates, in such manner as determined by  
19 the commission. The commission shall require participating candidates to  
20 attend and participate in debates and may specify by rule penalties for  
21 nonparticipation. The commission shall invite and permit nonparticipating  
22 candidates to participate in debates.

23 3. Prescribe forms for reports, statements, notices and other  
24 documents required by this article. **THE COMMISSION SHALL NOT REQUIRE A**  
25 **CANDIDATE TO USE A REPORTING SYSTEM OTHER THAN THE REPORTING SYSTEM JOINTLY**  
26 **APPROVED BY THE COMMISSION AND THE OFFICE OF THE SECRETARY OF STATE.**

27 4. Prepare and publish instructions setting forth methods of  
28 bookkeeping and preservation of records to facilitate compliance with this  
29 article and explaining the duties of persons and committees under this  
30 article.

31 5. Produce a yearly report describing the commission's activities and  
32 any recommendations for changes of law, administration or funding amounts and  
33 accounting for monies in the fund.

34 6. Adopt rules to implement the reporting requirements of section  
35 16-958, subsections D and E.

36 7. Enforce ~~the provisions of~~ this article, ensure that money from the  
37 fund is placed in candidate campaign accounts or otherwise spent as specified  
38 in this article and not otherwise, monitor reports filed pursuant to this  
39 chapter and financial records of candidates as needed to ensure that  
40 equalization monies are paid promptly to opposing qualified candidates under  
41 section 16-952 and ensure that money required by this article to be paid to  
42 the fund is deposited in the fund. **THE COMMISSION SHALL NOT TAKE ACTION ON**  
43 **ANY EXTERNAL COMPLAINT THAT IS FILED MORE THAN NINETY DAYS AFTER THE**  
44 **POSTELECTION REPORT IS FILED OR NINETY DAYS AFTER THE COMPLETION OF THE**  
45 **CANVASS OF THE ELECTION TO WHICH THE COMPLAINT RELATES, WHICHEVER IS LATER.**



1 B. The commission may subpoena witnesses, compel their attendance and  
2 testimony, administer oaths and affirmations, take evidence and require by  
3 subpoena the production of any books, papers, records or other items material  
4 to the performance of the commission's duties or the exercise of its powers.

5 C. The commission may adopt rules to carry out the purposes of this  
6 article and to govern procedures of the commission. Commission rule making  
7 is exempt from title 41, chapter 6, article 3, ~~except that the commission~~  
8 ~~shall submit the rules for publication and the secretary of state shall~~  
9 ~~publish the rules in the Arizona administrative register.~~ The commission  
10 shall propose and adopt rules in public meetings, with at least sixty days  
11 allowed for interested parties to comment after the rules are proposed. THE  
12 COMMISSION SHALL ALSO FILE A NOTICE OF EXEMPT RULE MAKING AND THE PROPOSED  
13 RULE IN THE FORMAT PRESCRIBED IN SECTION 41-1022 WITH THE SECRETARY OF  
14 STATE'S OFFICE FOR PUBLICATION IN THE ARIZONA ADMINISTRATIVE REGISTER. AFTER  
15 CONSIDERATION OF THE COMMENTS RECEIVED IN THE SIXTY DAY COMMENT PERIOD, THE  
16 COMMISSION MAY ADOPT THE RULE IN AN OPEN MEETING. ANY RULES GIVEN FINAL  
17 APPROVAL IN AN OPEN MEETING SHALL BE FILED IN THE FORMAT PRESCRIBED IN  
18 SECTION 41-1022 WITH THE SECRETARY OF STATE'S OFFICE FOR PUBLICATION IN THE  
19 ARIZONA ADMINISTRATIVE REGISTER. ANY RULES ADOPTED BY THE COMMISSION SHALL  
20 ONLY BE APPLIED PROSPECTIVELY FROM THE DATE THE RULE WAS ADOPTED.

21 D. BEGINNING JANUARY 1, 2010, RULES ADOPTED BY THE COMMISSION ARE NOT  
22 EFFECTIVE UNTIL JANUARY 1 IN THE YEAR FOLLOWING THE ADOPTION OF THE RULE,  
23 EXCEPT THAT RULES ADOPTED BY UNANIMOUS VOTE OF THE COMMISSION MAY BE MADE  
24 IMMEDIATELY EFFECTIVE AND ENFORCEABLE.

25 E. IF, IN THE VIEW OF THE COMMISSION, THE ACTION OF A PARTICULAR  
26 CANDIDATE OR COMMITTEE REQUIRES IMMEDIATE CHANGE TO A COMMISSION RULE, A  
27 UNANIMOUS VOTE OF THE COMMISSION IS REQUIRED. ANY RULE CHANGE MADE PURSUANT  
28 TO THIS SUBSECTION THAT IS ENACTED WITH LESS THAN A UNANIMOUS VOTE TAKES  
29 EFFECT FOR THE NEXT ELECTION CYCLE.

30 ~~D.~~ F. Based on the results of the elections in the year 2002 or any  
31 quadrennial election thereafter, and within six months after such election,  
32 the commission may adopt rules changing the number of qualifying  
33 contributions required for any office from those listed in section 16-950,  
34 subsection D, by no more than twenty per cent of the number applicable for  
35 the preceding election.

36 Sec. 9. Subject to the requirements of article IV, part 1, section 1,  
37 Constitution of Arizona, section 16-958, Arizona Revised Statutes, is amended  
38 to read:

39 16-958. Manner of filing reports

40 A. Any person who has previously reached the dollar amount specified  
41 in section 16-941, subsection D for filing an original report shall file a  
42 supplemental report each time previously unreported independent expenditures  
43 specified by that subsection exceeds one thousand dollars. Any person who  
44 has previously reached the dollar amounts specified in section 16-941,  
45 subsection B, paragraph 2 for filing an original report shall file a

1 supplemental report to declare that previously unreported expenditures or  
2 contributions specified by that paragraph exceed ~~(1)~~ ten percent PER CENT of  
3 the original primary election spending limit or twenty-five thousand dollars,  
4 whichever is lower, before the general election period, or ~~(2)~~ ten percent  
5 PER CENT of the original general election spending limit or twenty-five  
6 thousand dollars, whichever is lower, during the general election period.  
7 Such reports shall be filed at the times specified in subsection B of this  
8 section and shall identify the dollar amount being reported, the candidate,  
9 and the date AND NO OTHER DETAIL IS REQUIRED IN REPORTS MADE PURSUANT TO THIS  
10 SECTION.

11 B. Any person who must file an original report pursuant to section  
12 16-941, subsection B, paragraph 2 or subsection D, or who must file a  
13 supplemental report for previously unreported amounts pursuant to subsection  
14 A of this section, shall file as follows:

15 1. Before the beginning of the primary election period, the person  
16 shall file a report on the first of each month, unless the person has not  
17 reached the dollar amount for filing an original or supplemental report on  
18 that date.

19 2. Thereafter, except as stated in paragraph 3 of this subsection, the  
20 person shall file a report on any Tuesday by which the person has reached the  
21 dollar amount for filing an original or supplemental report.

22 3. During the last two weeks before the primary election and the last  
23 two weeks before the general election, the person shall file a report within  
24 one business day of reaching the dollar amount for filing an original or  
25 supplemental report.

26 C. Any filing under this article on behalf of a candidate may be made  
27 by the candidate's campaign committee. All candidates shall deposit any  
28 check received by and intended for the campaign and made payable to the  
29 candidate or the candidate's campaign committee, and all cash received by and  
30 intended for the campaign, in the candidate's campaign account before the due  
31 date of the next report specified in subsection B of this section. No  
32 candidate or person acting on behalf of a candidate shall conspire with a  
33 donor to postpone delivery of a donation to the campaign for the purpose of  
34 postponing the reporting of the donation in any subsequent report.

35 D. The secretary of state shall immediately notify the commission of  
36 the filing of each report under this section and deliver a copy of the report  
37 to the commission, and the commission shall promptly mail or otherwise  
38 deliver a copy of each report filed pursuant to this section to all  
39 participating candidates opposing the candidate identified in section 16-941,  
40 subsection B, paragraph 2 or subsection D.

41 E. Any report filed pursuant to this section or section 16-916,  
42 subsection A, paragraph 1 or subsection B shall be filed in electronic  
43 format. The secretary of state shall distribute computer software to  
44 political committees to accommodate such electronic filing.

1 F. During the primary election period and the general election period,  
2 all candidates shall make available for public inspection all bank accounts,  
3 campaign finance reports, ~~and~~ and financial records relating to the candidate's  
4 campaign, either by immediate disclosure through electronic means or at the  
5 candidate's campaign headquarters, in accordance with rules adopted by the  
6 commission.

7 Sec. 10. Subject to the requirements of article IV, part 1, section 1,  
8 Constitution of Arizona, section 16-959, Arizona Revised Statutes, is amended  
9 to read:

10 16-959. Inflationary and other adjustments of dollar values

11 A. Every two years, the secretary of state shall modify the dollar  
12 values specified in the following parts of this article, in the manner  
13 specified by section 16-905, subsection J, to account for inflation: section  
14 16-941, subsection A, paragraph 2 or subsection D; section 16-942, subsection  
15 B; ~~section 16-944;~~ section 16-945, subsection A, paragraphs 1 and 2; section  
16 16-948, ~~paragraph~~ SUBSECTION C; section 16-954, subsection B; section 16-955,  
17 subsection G; and section 16-961, subsections G and H. In addition, the  
18 secretary of state shall make a similar inflation adjustment by modifying the  
19 dollar values in section 16-949, subsection A and section 16-954, subsection  
20 A to the nearest dollar. In addition, every two years, the secretary of  
21 state shall change the dollar values in section 16-961, subsections G and H  
22 in proportion to the change in the number of Arizona resident personal income  
23 tax returns filed during the previous calendar year.

24 B. Based on the results of the elections in the year 2002 or any  
25 quadrennial election thereafter, and within six months after such election,  
26 the commission may adopt rules in a public meeting reallocating funds  
27 available to all candidates between the primary and general elections by  
28 selecting a fraction for primary election spending limits that is between one  
29 third and one half of the spending limits for the election as a whole. For  
30 each office, the primary election spending limit shall be modified to be the  
31 sum of the primary and general spending limits times the selected fraction,  
32 and the general election spending limit shall be modified to be the same sum  
33 times one less the selected fraction.

34 Sec. 11. Subject to the requirements of article IV, part 1, section 1,  
35 Constitution of Arizona, section 16-961, Arizona Revised Statutes, is amended  
36 to read:

37 16-961. Definitions

38 A. The terms "candidate's campaign committee," "contribution,"  
39 "expenditures," "exploratory committee," "independent expenditure," "personal  
40 monies," "political committee," ~~and~~ and "statewide office" are defined in  
41 section 16-901.

42 B. 1. "Election cycle" means the period between successive general  
43 elections for a particular office.

1           2. "Exploratory period" means the period beginning on the day after a  
2 general election and ending the day before the start of the qualifying  
3 period.

4           3. "Qualifying period" means the period beginning on the first day of  
5 August in a year preceding an election, for an election for a statewide  
6 office, or on the first day of January of an election year, for an election  
7 for legislator, and ending seventy-five days before the day of the general  
8 election.

9           4. "Primary election period" means the nine-week period ending on the  
10 day of the primary election.

11           5. "General election period" means the period beginning on the day  
12 after the primary election and ending on the day of the general election.

13           6. For any recall election, the qualifying period shall begin when the  
14 election is called and last for thirty days, there shall be no primary  
15 election period, ~~and~~ and the general election period shall extend from the day  
16 after the end of the qualifying period to the day of the recall  
17 election. For recall elections, any reference to "general election" in this  
18 article shall be treated as if referring to the recall election.

19           C. 1. "Participating candidate" means a candidate who becomes  
20 certified as a participating candidate pursuant to section 16-947.

21           2. "Nonparticipating candidate" means a candidate who does not become  
22 certified as a participating candidate pursuant to section 16-947.

23           3. Any limitation of this article that is applicable to a  
24 participating candidate or a nonparticipating candidate shall also apply to  
25 that candidate's campaign committee or exploratory committee.

26           D. "Commission" means the citizens clean elections commission  
27 established pursuant to section 16-955.

28           E. "Fund" means the citizens clean ~~election~~ ELECTIONS fund defined by  
29 this article.

30           F. 1. "Party nominee" means a person who has been nominated by a  
31 political party pursuant to ~~sections~~ SECTION 16-301 or 16-343.

32           2. "Independent candidate" means a candidate who has properly filed  
33 nominating papers and nominating petitions with signatures pursuant to  
34 section 16-341.

35           3. "Unopposed, ~~—~~" MEANS with reference to an election for:

36           (a) A member of the house of representatives, ~~means~~ opposed by no more  
37 than one other candidate WHO HAS QUALIFIED FOR THE BALLOT AND WHO IS RUNNING  
38 IN THE SAME DISTRICT.

39           (b) A MEMBER OF THE CORPORATION COMMISSION, OPPOSED BY A NUMBER OF  
40 CANDIDATES WHO HAVE QUALIFIED FOR THE BALLOT THAT IS FEWER THAN THE NUMBER OF  
41 CORPORATION COMMISSION SEATS OPEN AT THAT ELECTION AND FOR WHICH THE TERM OF  
42 OFFICE ENDS ON THE SAME DATE.

43           (c) ALL OTHER OFFICES, OPPOSED BY NO OTHER CANDIDATE WHO HAS QUALIFIED  
44 FOR THE BALLOT AND WHO IS RUNNING IN THAT DISTRICT OR RUNNING FOR THAT SAME  
45 OFFICE AND TERM.

1 G. "Primary election spending limits" means:

2 1. For a candidate for THE legislature, ~~ten-thousand~~ TWELVE THOUSAND  
3 NINE HUNDRED TWENTY-ONE dollars.

4 2. For A candidate for mine inspector, ~~twenty-thousand~~ FORTY-ONE  
5 THOUSAND THREE HUNDRED FORTY-NINE dollars.

6 3. For a candidate for treasurer, superintendent of public  
7 instruction, or THE corporation commission, ~~forty-thousand~~ EIGHTY-TWO  
8 THOUSAND SIX HUNDRED EIGHTY dollars.

9 4. For a candidate for secretary of state or attorney general, ~~eighty~~  
10 ONE HUNDRED ~~thousand~~ SIXTY-FIVE THOUSAND THREE HUNDRED SEVENTY-EIGHT dollars.

11 5. For a candidate for governor, ~~three-hundred-eighty-thousand~~ SIX  
12 HUNDRED THIRTY-EIGHT THOUSAND TWO HUNDRED TWENTY-TWO dollars.

13 H. "General election spending limits" means amounts fifty ~~percent~~ PER  
14 CENT greater than the amounts specified in subsection G of this section.

15 I. 1. "Original" spending limit means a limit specified in  
16 subsections G and H of this section, as adjusted pursuant to section 16-959,  
17 or a special amount expressly set for a particular candidate by a provision  
18 of this title.

19 2. "Adjusted" spending limit means an original spending limit as  
20 further adjusted to account for reported overages pursuant to section 16-952.

21 Sec. 12. Legislative declaration; furthering the purpose

22 The legislature hereby finds and declares that the provisions of this  
23 act further the purposes of the citizens clean sections act adopted by 1998  
24 proposition 200 and enacted into law in title 16, chapter 6, article 2,  
25 Arizona Revised Statutes, and that this act fully complies with the  
26 requirements of article IV, part 1, section 1, Constitution of Arizona.

27 Sec. 13. Nonseverability

28 If any portion of this act is finally adjudicated invalid, the entire  
29 act is void.

30 Sec. 14. Requirements for enactment; three-fourths vote

31 Pursuant to article IV, part 1, section 1, Constitution of Arizona,  
32 sections 16-941, 16-950, 16-952, 16-953, 16-955, 16-956, 16-958, 16-959 and  
33 16-961, Arizona Revised Statutes, as amended by this act, and section 3 of  
34 this act are effective only on the affirmative vote of at least three-fourths  
35 of the members of each house of the legislature.